

Message Text

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61

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----- 114360

R 061813Z AUG 74

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

CINCLANT

CINCPAC HONOLULU HI

AMEMBASSY SUVA BY POUCH

AMEMBASSY ATHENS BY POUCH

AMEMBASSY ANKARA BY POUCH

AMEMBASSY NICOSIA BY POUCH

XMT AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BANJUL

AMEMBASSY CARACAS

AMEMBASSY NICOSIA

AMEMBASSY SUVA

C O N F I D E N T I A L STATE 170925

CINCLANT AND CINCPAC FOR POLADS

BEIRUT ALSO POUCH BAGHDAD

DAKAR ALSO POUCH BANJUL

FOLLOWING REPEAT CARACAS 7351 SENT SECSTATE DATED AUG 2.

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QUOTE

C O N F I D E N T I A L CARACAS 7351

DEPT PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT CARACAS

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: WEEKLY ANALYTICAL SUMMARY-JULY 26-AUGUST 1

1. SUMMARY: SENSE OF DISQUIETUDE CONTINUED, BUT POSSIBILITY OF SERIOUS NEGOTIATION ON KEY ISSUE OF EXPLOITATION SYSTEM FOR DEEP SEABEDS IN COMMITTEE 1 MAY BE USED AS TEST OF US INTENTIONS. STRONG MOVE BY THE LEADERSHIP TO BREAK THE DEADLOCK ON THE ECONOMIC ZONE IS POSSIBLE NEXT WEEK. HOWEVER, SHOULD REPORTS OF IMMINENT SENATE ACTION ON US 200-MILE FISHERIES CLAIM TURN OUT TO BE TRUE, LATINS CAN BE EXPECTED TO STALL ALL NEGOTIATIONS UNTIL US MAKES UNILATERAL CLAIM, THUS ELIMINATING TUNA ISSUE FROM SERIOUS CONTENTION AND WEAKENING ARGUMENT FOR OTHER COASTAL STATE DUTIES. MOST DISTURBING OF ALL ARE REPORTS THAT AFRICANS, ANNOYED OVER ATTEMPTS TO "WATER DOWN" ECONOMIC ZONE AND AT LACK OF PROGRESS, MAY MOVE TO 200-MILE TERRITORIAL SEA. KENYA MADE THIS EXPLICIT IN DEBATE.

2. COMMITTEE 1 (DEEP SEABED)

A. EXPLOITATION SYSTEM: INFORMAL MEETINGS OF C1 ARE ON VERGE OF COMMENCING SERIOUS NEGOTIATION ON EXPLOITATION SYSTEM AND POSSIBLY ON GENERAL CONDITIONS FOR EXPLOITATION TO BE INCLUDED IN TREATY. PUBLIC LDC SOLIDARITY AROUND GROUP OF 77 PROPOSAL FOR ARTICLE 9 (WHO MAY EXPLOIT THE AREA) HAS BEEN SOMEWHAT ERODED BY JAMAICAN DELEGATION'S INSISTENCE ON RETENTION OF EXPLOITATION SYSTEM THAT EMPHASIZES NEED FOR REGULATORY PROVISIONS WHICH IS NOT INCLUDED IN GROUP OF 77 DRAFT. ALSO, IN PRIVATE CONVERSATIONS SEVERAL IMPORTANT LDC LEADERS, INCLUDING CHAIRMAN OF 77 IN C1, HAVE PRIVATELY APPROACHED US DEL TO EMPHASIZE URGENCY OF FORMING SMALL GROUP TO COMMENCE SERIOUS NEGOTIATIONS AND WHICH COULD ISOLATE PERUVIAN CONFIDENTIAL

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OBSTRUCTIONISM. QUESTIONS POSED BY SEVERAL DELS TO SPONSORS OF GROUP OF 77 TEXT ELICITED RESPONSE WHICH INDICATED FLEXIBILITY REGARDING MODALITIES OF CONTRACTUAL ARRANGEMENTS AND RECOGNITION THAT SUCH ARRANGEMENTS MUST PROVIDE SECURITY OF TENURE AND OPPORTUNITY FOR PROFIT.

B. ECONOMIC IMPLICATIONS: US DEL PARTICIPATED IN FULL DEBATE IN C1 ON THE RECORD AND IN INFORMAL SEMINARS ON ECONOMIC ASPECTS OF SEABED EXPLOITATION AND SUBMITTED WORKING PAPER ON ISSUE. ON THE RECORD DISCUSSION IN C1 AND PRIVATE CONVERSATIONS WITH WIDE VARIETY OF DELS INDICATED EMERGING AWARENESS AMONG LDC'S OF POSSIBILITY THAT PRODUCTION CONTROLS MIGHT DAMAGE LDC CONSUMER

INTERESTS. US DEL DOES NOT BELIEVE IT POSSIBLE TO PERSUADE LDC DELS ENTIRELY OF MERITS OF US OPPOSITION TO PRICE AND PRODUCTION CONTROLS, BUT WE BELIEVE WE HAVE SUCCEEDED IN SOWING SEED OF UNCERTAINTY WHICH MAY TEND TO MODERATE EXTREME POSITIONS ON ISSUE IN VIENNA.

3. COMMITTEE 11.

A. NAVIGATION. USSR INFORMS US THAT DISTINCTION BETWEEN COMMERCIAL AND WARSHIP TRANSIT OF STRAITS REFLECTS COORDINATED ARAB POSITION. WE ARE CONTINUING TO STRESS IN PRIVATE THAT PRESSING THIS POINT WOULD SERIOUSLY ENDANGER CONFERENCE. AT GROUP OF FIVE MEETING FRENCH EXPRESSED STRONG RESERVATIONS TO ANY ARCHIPELAGO CONCEPT SUCH AS THAT IN NINE-POWER PAPER (CANADA, ETC.) WHICH WOULD EXTEND THIS CONCEPT ALSO TO CONTINENTAL STATES WITH OFF-LYING ISLANDS. SOVIETS EXPRESSED CATEGORICAL REJECTION OF ARCHIPELAGO TREATMENT FOR STATES OTHER THAN ISLAND STATES; AND WE AND JAPANESE ARGUED THAT MANY WOULD OPPOSE THIS, AND THAT EVEN INDONESIA, WHILE COSPONSOR OF 9-POWER PAPER, WAS FEARFUL THAT EXTENSION OF CONCEPT WOULD ENDANGER ITS ADOPTION.

B. RESOURCES. WHILE CHAIRMAN AGUILAR HAS VIGOROUSLY ENFORCED 15-MINUTE TIME-LIMIT ON SPEAKERS LARGE NUMBER OF SPEAKERS ON CONTINENTAL SHELF AND ECONOMIC ZONE OCCUPIED MOST OF AVAILABLE TIME. THEME OF SOVEREIGN RIGHTS OVER RESOURCES, AND JURISDICTION OVER POLLUTION AND SCIENTIFIC RESEARCH WITHIN ECONOMIC ZONE, CONTINUED TO DOMINATE ECONOMIC ZONE DEBATE. CONFIDENTIAL

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CHINA, TANZANIA, AND SOME OTHERS SHARPLY CRITICIZED EMPHASIS BY

US AND OTHERS ON INCLUSION OF COASTAL STATE DUTIES IN ECONOMIC ZONE PARTICULARLY DUTY OF FULL UTILIZATION OF FISHERIES. STALEMATE ON ISSUE OF JURISDICTION OVER CONTINENTAL MARGIN BEYOND 200-MILES RESULTS FROM HARD-LINE AFRICAN OPPOSITION, FROM WHICH ONLY MAURITIUS HAS PUBLICLY BROKEN. HOWEVER, GHANIAN STATEMENT THAT COMPROMISE THAT INCLUDED REVENUE SHARING IS POSSIBLE, IS PROBABLY MORE ACCURATE REFLECTION OF AFRICAN VIEW, AND THIS IS CONFIRMED PRIVATELY BY KENYA, WHICH IS ANGRY AT STUBBORNNESS OF AUSTRALIA IN OPPOSING REVENUE SHARING. JURIDICAL EXPERT CONSULTATIONS (EVENSEN GROUP) WERE MARKEDLY MORE POSITIVE IN TONE ON FISHERIES QUESTION (EXCEPT FOR TANZANIA), AND AUSTRALIA HAS JUST SUBMITTED USEFUL COMPROMISE TEXT THAT INCLUDED FULL UTILIZATION CONCEPT.

4. COMMITTEE III - POLLUTION: INFORMAL SESSIONS ON MARINE POLLUTION HAVE NOT YET BEEN ABLE TO BEGIN SUBSTANTIVE DEBATE ON ISSUES BUT COMMITTEE HAS RECEIVED PROPOSED AMENDMENTS TO ARTICLES PREPARED BY SEABED COMMITTEE LAST

YEAR. SMALL NEGOTIATING GROUP CHAIRED BY CHAIRMAN VALLARTA HAS BEGUN WORK AND PROMISES TO BE MORE SUCCESSFUL IN AT LEAST NARROWING ALTERNATIVES AND AGREEING ON LESS CONTROVERSIAL AMENDMENTS. NORWAY ALSO HOSTED FIRST MEETING OF A PRIVATE NEGOTIATING GROUP IN WHICH IT HOPES TO ACHIEVE VERY INFORMAL CONSIDERATION OF MAJOR CONTROVERSIAL MARINE POLLUTION ISSUES. NORWEGIAN GROUP, WHICH HAS CROSS-SECTION OF OPINIONS REPRESENTED, ALSO PROMISES TO BE MORE SUCCESSFUL IN ACHIEVING REAL CONSIDERATION OF MAJOR ISSUES. US IS PARTICIPATING IN BOTH GROUPS AND IS ALSO CONTINUING TO MEET WITH GROUP OF FIVE AND GROUP OF 17 MARITIME STATES TO COORDINATE POSITIONS. US WILL BE ATTEMPTING TO AGREE WITHIN NEXT WEEK TO 10 DAYS ON DRAFT ARTICLES WITH GROUP OF 17 TO SUBMIT TO CONFERENCE AS COUNTER TO NEW DRAFT ON ZONAL APPROACH TO POLLUTION WHICH WAS SUBMITTED THIS WEEK BY NINE COASTAL STATES. FINALLY, U.S. CONTINUING PRIVATE DIALOGUES WITH CANADA, A MAJOR LEADER IN POLLUTION DISCUSSIONS IN ATTEMPT TO ASCERTAIN HER REAL NEEDS AND DESIRES ON VESSEL-POLLUTION ISSUES. IN ANALYSIS OF THESE CONVERSATIONS, LEGAULT (CANADA) LISTED THREE
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MAIN ISSUES DIVIDING US:

A. "INCREDIBLE" U.S. REFUSAL TO CONSIDER ENFORCEMENT OF INTERNATIONAL DISCHARGE OR CONSTRUCTION STANDARDS IN ZONE, A POSITION HE SAID WOULD BE CLEARLY OPPOSED BY US CONGRESS IF THEY KNEW ABOUT IT. WITH RESPECT TO CONSTRUCTION STANDARDS, A CERTIFICATE PROCEDURE TO AVOID INTERFERENCE WITH NAVIGATION COULD BE USED.

B. US REFUSAL TO CONSIDER COASTAL STATE RIGHT TO SET DISCHARGE STANDARDS IN ZONE, EVEN IF COUPLED WITH TREATY STIPULATION THAT COASTAL STATE COULD NOT IMPOSE CONSTRUCTION OTHER THAN THOSE REQUIRED BY INTERNATIONAL CONSTRUCTION STANDARDS.

C. RIGHT OF COASTAL STATE TO PROMULGATE REGULATIONS IN "DANGEROUS AREAS" PENDING INTERNATIONAL REVIEW.

5. SCIENTIFIC RESEARCH: DESPITE A PROMISING BEGINNING EARLIER IN THE WEEK, PROGRESS WAS HALTED BY EXTREME PROPOSAL INTRODUCED BY KENYA AND 16 OTHER DEVELOPING COUNTRIES. PROPOSAL APPEARS DESIGNED TO SET UP TRADE-OFF IN WHICH DEVELOPED COUNTRIES WOULD ACCEPT CONSENT REGIME FOR RESEARCH IN THE ECONOMIC ZONE IN RETURN FOR DEVELOPING COUNTRIES DROPPING DEMAND FOR STRONG REGULATION OF RESEARCH IN THE INTERNATIONAL AREA. KENYA STATED GROUP OF 77 WAS ACTIVELY CONSIDERING WHETHER INTERNATIONAL AREA INCLUDED THE WATER COLUMN AS WELL AS DEEP SEABED BUT ADDED THAT KENYA WOULD ACCEPT WHATEVER DEFINITION OF INTERNATIONAL AREA IS AGREED TO BY CONFERENCE. WHILE MOTIVATION FOR AN UNQUALIFIED CONSENT REGIME UNDOUBTEDLY VARIES AMONG THE CO-SPONSORS, MOTIVATION OF MANY APPEARS TO BE DESIRE THAT COASTAL STATE SOVEREIGNTY IN THE

ECONOMIC ZONE BE MAXIMIZED.
SPAIN MADE REPEATED REFERENCES TO THE
NECESSITY FOR COASTAL STATE CONSENT FOR SATELLITE RESEARCH IN
THE ECONOMIC ZONE. SINCE NO OTHER DELEGATION PICKED UP THE
SATELLITE ISSUE, US REFRAINED FROM STATEMENT THAT THIS WAS
ISSUE BEING CONSIDERED BY ANOTHER ORGAN OF THE UNITED NATIONS.

6. COMPULSORY DISPUTE SETTLEMENT: INFORMAL GROUP OF STATES
INTERESTED IN COMPULSORY DISPUTE SETTLEMENT MET FOR FIRST TIME
UNDER TEMPORARY CHAIRMANSHIP AMBASSADOR STEVENSON WHO ARRANGED
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GROUP ACCEPTANCE OF PERMANENT COCHAIRMANSHIPS
BY AMB. GALINDO POHL (EL SALVADOR) AND AMB. RALPH HARRY
(AUSTRALIA), WHO HAD PRIVATELY INDICATED TO STEVENSON WILLINGNESS
TO ASSUME LEADERSHIP ROLE WITH PROFESSOR SOHN (US) AS RAPPORTEUR.
AN ISSUE PAPER IS BEING PREPARED FOR THE NEXT MEETING. ATTITUDES
WERE QUITE POSITIVE BY AFRICAN PARTICIPANTS, ALTHOUGH
WESTERN EUROPEANS TENDED TO EMPHASIZE FUNCTIONAL RATHER THAN
COMPREHENSIVE SYSTEM. USSR, WHILE NOTING ITS TRADITIONAL
POSITION, INDICATED FAVORABLE ATTITUDE ON DISPUTE
SETTLEMENT FOR FISHERIES AND DEEP SEABED QUESTIONS.
STEVENSON
UNQUOTE KISSINGER

NOTE BY OC/T: POUCHED TO ABOVE ADDRESSEES.

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CINCPAC HONOLULU HI
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